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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/680,114

10/08/2003

Dieter Kleinert

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JACOBSON, PRICE, HOLMAN & STERN
PROFESSIONAL LIMITED LIABILITY COMPANY
400 Seventh Street, N.W.
Washington, DC 20004

EXAMINER

BURCH, MELODY M

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,114

Applicant(s)

KLEINERT ET AL.

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-28 is/are pending in the application.
- 4a) Of the above claim(s) 3,5,8,11,14,16,19,21,22 and 28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,7,10,15,17,18,20,23,26 and 27 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 6, 7, 10, 15, 17, 18, 20, 23, and 27 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US Patent 5540138 to Robbins Jr.

Re: claims 1, 2, 4, 6, 7, 10, 15, 17, 18, 20, 23, and 27. Robbins shows in figures 1a-1c a locking unit for locking movement of a piston 13 which can be impinged with pressure, the locking unit comprising an actuator or component that drives the movement of 12 provided with a bar 12 acting on an operating element 14, the operating element cooperating with a catching element 18 in such a way that in a locking position of the piston the catching element blocks the movement of the piston and in an unlocking position of the piston the catching element releases the movement of the piston, the catching element and the operating element cooperate surface to surface by axial movement toward and away from each other as shown, and a bolt 11 on the bar, the bolt acting through movement of the bar on the operating element as shown in figures 1a-1c and at least one tapered beveling shown at the bottom of the

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bolt cooperating with the operating element by slidably engaging the operating element during movement of the armature bar as shown.

Robbins discloses in the description of figure 3 the actuator driving the rod being an electromagnet 30 with the bar 22 being an armature bar.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the bar of Robbins to have been driven by an electromagnet and the bar being an armature bar, as taught by Robbins, in order to provide a means of effecting a locking position of the bar.

3. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins, Jr. in view of US Patent 1794424 to E.R. Smith et al.

Robbins Jr., as modified, is silent with regards to the piston with catching element being associated with a lathe work piece.

E.R. Smith et al. teach in figure 14 the use of a piston 78a with a catching element 79a being a lathe work piece.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the piston-catching element arrangement of Robbins, Jr., as modified, to have been used in the environment of a lathe work piece, in view of the teachings of ER Smith et al., in order to provide a means of locking and unlocking component movement in the environment of a lathe.

Allowable Subject Matter

4. Claims 24 and 25 are allowed.

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5. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The arguments with respect to the Bill reference in the response filed 7/17/07 has been considered and is persuasive. Accordingly, the 103 rejection using the Bill reference has been withdrawn. Upon further review, however, a 102/103 rejection in view of Robbins, Jr. has been presented above in light of the presence of a signal driven magnet in figure 3 of Robbins Jr.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb
October 1, 2007

Melody M. Burch
Melody Burch
Primary Examiner
10/1/07